

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 OCT 15 P 12:54

Civil Action No. 04-11675-RGS
DISTRICT OF MASS.

PRO CON, INCORPORATED,

Plaintiff,

v.

VALLEY FORGE INSURANCE COMPANY,

Defendant.

ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER THE COMPLAINT

Pursuant to Fed. R. Civ. P. 6(b), the defendant, Valley Forge Insurance Company ("Valley Forge"), with the assent of the plaintiff, Pro Con, Incorporated ("Pro Con"), moves for an extension of time to and including October 22, 2004, to serve an answer or otherwise plead in response to the complaint brought against it in this lawsuit. In support hereof, Valley Forge states as follows:

1. This matter was commenced by the filing of a Complaint in the United States District Court for the District of Massachusetts on July 28, 2004.
2. Valley Forge, through the Insurance Commissioner for the Commonwealth, was served with a copy of the complaint on August 11, 2004.
3. Valley Forge previously filed an Assented-To Motion to Extend Time to Answer the Complaint on September 16, 2004, which was entered by this Court on September 20, 2004.


4. The parties intend to engage in global settlement negotiations which would resolve the issues raised in this matter as well as matters raised in related proceedings commenced in New Hampshire.
5. The parties have agreed to stay all litigation and other proceedings until October 22, 2004 to allow further settlement discussions.
6. Similar documentation has been or will be filed in the appropriate court in New Hampshire.
7. Counsel for Pro Con has been contacted and assents to the relief requested herein.
8. The respective clients have been contacted and concur with the relief requested herein.

WHEREFORE, Valley Forge respectfully requests that this Court:

- A. Extend the time for Valley Forge's answer or responsive pleading herein until and including October 22, 2004; and
- B. Grant such further relief as is just.

VALLEY FORGE INSURANCE COMPANY

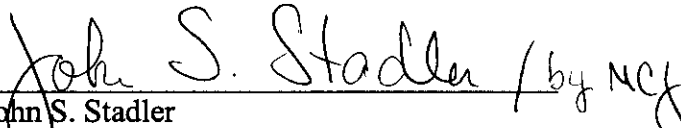
By its Attorneys,

 /by NGJ
John S. Stadler (BBO # 548485)
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110-2131
(617) 345-1000

Dated: October 15, 2004

CERTIFICATE OF SERVICE

I certify that on this 15th day of October 2004, a true and correct copy of the foregoing document was served by first class mail on all counsel of record.



John S. Stadler

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